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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,139	12/27/2000	Michael D. Pashley	US000386	4745

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EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/749,139

Applicant(s)

PASHLEY ET AL.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the ---coupling material---"cited in claim 1 lines 6";  
the---elliptical rod----"cited in claim 12";  
the ---square rod---"cited in claim 13";  
the---curved edges---"cited in claims 14 and 15";  
the---fine dots---"cited in claim 16" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, 7 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawahara et al.(US.5,810,463).

Kawahara ('463) discloses an illumination device having:

Regarding claim 1, an LED light source (4), a light transmitting rod (1) which permits total internal reflection, and outcoupling material (86) affixed to an outer surface of the rod (1) controls the angular distribution of the light leaving the side of the rod (see figs. 3 and 14).

Regarding claim 2, the light source (4) further including a plurality of LEDS (6).

Regarding claim 3, the plurality of LEDs (12) includes at least a red, green, and blue LEDs which, when mixed, generate white light (col 6, lines 24-33).

Regarding claim 4, the array of red, green, and blue LEDs (12) can be mixed to generate a variety of white light chromaticity.

Regarding claim 5, the array of red, green, and blue LEDs (12) can be mixed to generate dynamic color effects.

Regarding claim 7, the rod (1) is rigid rod.

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Regarding claim 17, the luminary further includes a mirror (9) at an end of the rod away from the light source (4).

Regarding claim 18, the mirror (9) reflects light that travels the entire length of the rod (1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara et al. (U.S. 5,810,463) in view of Endo et al. (US. 5,123,077).

Regarding claims 8-11 Kawahara ('463) discloses the claimed invention except for a white paint.

Endo ('077) discloses a light source device having:

Regarding claim 8, the outcoupling material is paint (col. 7, lines 10-20).

Regarding claim 9, the paint is a white paint (col. 7, lines 10-20).

Regarding claim 10, the white paint is distributed in such a way as to control angular distribution of light leaving the rod (col. 7, lines 10-20).

Regarding claim 11, the white paint is distributed in such a way as to ensure uniform light distribution along the length of the rod light guide element (4A).

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Regarding claim 13, the rod or mold case (1) is a square rod in cross-section.

Regarding claim 16, the outcoupling material includes a combination of white paint and fine dots or points with varying packing density (col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to utilize the illumination device of Kawahara et al. (U.S. 5,810,463) with the white paint disclosed by Endo ('077) in order to provide an improved illumination system which is optically efficient more specifically, it is an object for rod or the pipe to provide an illumination including a light output thereof being distributed among a plurality of fiber optics light pipes which terminate in disposable light tips or working instruments.

7. Claims 6, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara et al. (U.S. 5,810,463) in view of Endo et al. (US. 5,123,077 as applied to claim 2 above, and further in view of McGaffigan (U.S.6,031,958).

Kawahara et al. (U.S. 5,810,463) in view of Endo et al. (US. 5,123,077) disclose the claimed invention except for curved edges, flexible rod and an elliptical rod.

McGaffigan ('958) discloses an optical light pipes with laser light appearance having:

Regarding claim 6, the rod is a flexible rod (see fig. 30).

Regarding claim 12, the rod (500A) is an elliptical rod in cross section (see fig. 15B).

Regarding claim 14, the rod is a combination of straight and curved edges in cross-section (see figs. 28A, 28B).

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Regarding claim 15, the combination of straight and curved edges vary in configuration along the length of the rod (see figs. 28A-28B, 29-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to utilize the illumination device of Kawahara et al. (U.S. 5,810,463) in view of Endo et al. (US. 5,123,077) with the curved edges, flexible rod and an elliptical rod disclosed by McGaffigan ('958) for benefit and advantage to provide an illumination device which emits rays in a substantially radial direction, because these light rays are emitted perpendicular to a tangent of the curved prismatic surface of the light of the light pipe, and the light emitted rays lie in the plan formed by the incident light ray and the normal to the curved surface of the pipe.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is (703) 308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Application/Control Number: 09749139

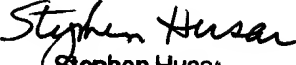
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Examiner: Bertrand Zeade

June 11, 2002.

  
Stephen Husar  
Primary Examiner